



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No: 2003 00307 Date: June 12, 2003

Phone: (719) 543-6914 Suspense Date: July 3, 2003

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material as development fill in wetlands adjacent to Sand Creek near Colorado Springs, El Paso County, Colorado. About 3.23 acres of wetlands on a 15.8-acre site are proposed to be filled. Details of the proposed project are provided below.

Name of Applicant: Bert A. Getz, Sr.; authorized agent: Virgil Sanchez, Classic Consulting Engineers and Surveyors, 6385 Corporate Drive, Suite 304, Colorado Springs, Colorado 80919, telephone number 719-785-0790.

Location: The project is located on the present southeast corner of Woodmen Road and Marksheffel Road in wetlands adjacent to Sand Creek near Colorado Springs, El Paso County, Colorado in the NW1/4 of Section 9, Township 13S, Range 65W.

Description of Work: The proposed work is to fill 3.23 acres of wetlands which exist on a 15.84-acre site by rough grading the site to create developable land.

Start of the work is dependent upon the reconstruction of the Marksheffel Road interchange. The road work and mitigation construction is expected to begin in Spring 2004. Construction of the mitigation is estimated to take 1 to 2 months. A portion of the grading of the proposed development site would occur along with the road improvements. Final grading of the

proposed development site will be dependant upon leasing and/or sale of the site.

Purpose and Need: The stated purpose of the project is to regrade the site to allow future development.

Related Work: The Colorado Department of Transportation (CDOT) proposes to use some of the applicant's land to create wetlands as mitigation for the Woodmen Road improvement project from I-25 to Falcon.

Mitigation Proposed by the Applicant: Mitigation proposed by the applicant would be co-mingled with CDOT's mitigation. The applicant proposes to excavate 3.23 acres of nonwetland grassland to an elevation 0.5 to 1.0 foot above the typical groundwater elevation. The area would be seeded with streambank wheatgrass, redtop, creeping foxtail, bluejoint reedgrass, Nebraska sedge, tufted hairgrass, Canada wildrye, switchgrass, and fowl bluegrass. About 25% of the reseeded area would also be planted with native wetland and riparian shrubs and trees at a spacing of 8 feet in natural-appearing groupings. Possible species include: bluestem willow, native golden willow, thinleaf alder, western river birch, common chokecherry, native hawthorn, American plum, golden currant, plains cottonwood, lanceleaf cottonwood, western hackberry, and peachleaf willow. A minimum 50-foot-wide buffer of unmanicured native vegetation would be established between the eastern edge of the mitigation wetland and any developed portion of the development site. Surface runoff from the development site would be directed into the wetland mitigation site to add support to wetland hydrology.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Anita Culp
U.S. Army Corps of Engineers
Southern Colorado Regulatory Office
720 North Main Street, Suite 300
Pueblo, CO 81003-3047
(719) 543-6914
Fax No. (719) 543-9475

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Consultation with the Colorado State Historic Preservation Office (SHPO) has not revealed any

NEWS RELEASE

pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for El Paso County, Colorado: American bald eagle (*Haliaeetus leucocephalus*)(T), black-footed ferret (*Mustela nigripes*)(E), greenback cutthroat trout (*Salmo clarki stomias*)(T), Ute ladies' tresses orchid (*Spiranthes diluvialis*)(T), Mexican spotted owl (*Strix occidentalis lucida*)(T), and Preble's meadow jumping mouse (*Zapus hudsonius preblei*)(T). Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the Colorado Department of Public Health and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office or Southern Colorado Regulatory Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than July 3, 2003. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species,

historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, US Army
District Engineer

Enclosure